

REMARKS

The Office Action mailed January 26, 2006 has been reviewed and carefully considered. Claims 7, 8, 10-17 and 19 are canceled without prejudice. Claim 21 is added. Claim 6 is amended to depend from claim 4. Claim 4 is not amended. Claims 2-6, 9, 18, 20 and 21 are pending, the independent claims being 4 and 9. Claim 9 is amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

It is initially noted that the Office Action incorrectly states that claims 2-19 are pending. Claim 20 was among those added in the reply to the previous Office Action dated July 1, 2005.

Claims 2-6 and 18 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,493,547 to Raith.

Claim 4 states:

calculating, by the charging center, the telephone charge using the charging information received from the mobile communication exchange . . . , wherein the charging information includes the number of the mobile terminal, a terminating party number, a call start time information, a call termination time information, and different billing qualification information

Raith fails to disclose or suggest the above-quoted aspect of the invention as recited in claim 4.

The Raith database 414 stores for retrieval cumulative usage information (col. 8, lines 24-28). Raith fails to disclose or suggest the Raith database 414 calculating cumulative usage information, much less "calculating . . . the telephone charge. . ."

Raith further fails to disclose or suggest at least ". . . calculating, by the charging center, the telephone charge using the charging information . . . the charging information includes . . . a terminating party number. . ."

The Office Action cites to lines 42-45 of column 9 in Raith, "for features that may affect the billing of the call," but Raith merely discloses that the features are included in an extrapolation performed by the Raith user terminal 300 (col. 9, line 40: "terminal"). Moreover, Raith discloses that the extrapolation performed by the user terminal 300 is based on a call duration calculated by the user terminal. Furthermore, this extrapolation is not based on actual (col. 9, line 24: "actual") phone usage; instead, it is based on a timer in the user terminal, that timer keeping track of the call duration (col. 9, line 38: "elapsed time") in real time.

It is unclear how the details of calculations by the Raith user terminal could reasonably be construed as implying that the Raith database 414 receives ". . . a terminating party number. . ." and uses this information to calculate "the telephone charge."

The other citations to Raith by the Office Action fail to further the

proposition the Office Action is attempting to advance. For example, the Office Action cites to lines 1-19 of column 7, but this passage seemingly provides no support for the position taken by the Office Action.

For at least all of the above reasons, Raith fails to anticipate the present invention as recited in claim 4.

In addition, it is unclear to the applicant by what reasoning it would have been obvious to modify Raith to resemble claim 4.

Reconsideration and withdrawal of the above-discussed claim rejections is respectfully requested.

Claim 6 is now amended to depend from claim 4.

We first discuss claim 6 as if the instant amendment were not entered and claim 6 was therefore not to be amended. We then discuss claim 6 as amended.

Claim 6, if not amended, recites:

transmitting, by the mobile communication exchange, the telephone charge information received from the charging center via a base station in communication with the mobile terminal, wherein the telephone charge information is in the form of a short message

Raith fails to disclose this aspect of claim 6.

Raith discloses display, on the terminal's user interface, of short messages.

Raith also discloses that usage information can be displayed on the terminal

in alphanumeric format.

The Office Action seems to suggest that "the form of a short message" is alphanumeric, and concludes that Raith discloses displaying the usage information in "the form of a short message."

However, Raith fails to disclose ". . . transmitting, by the mobile communication exchange, the telephone charge information received from the charging center via a base station in communication with the mobile terminal, wherein the telephone charge information is in the form of a short message," which language explicitly appears in the present claim 6.

Reconsideration and withdrawal of the rejection is respectfully requested.

Nor would it have been obvious to modify Raith to resemble the present claim 6.

Raith is concerned with avoiding overhead during a call that is already set up (col. 8, line 39, line 58: "set up"; col. 9, line 58: "sets up") or in a location registration of a terminal that is already in progress (col. 8, lines 30: "Registration Response message"). In particular, Raith teaches away from transmitting current cumulative usage information in the form of a short message, because Raith avoids additional signaling overhead by using pre-existing messages within the protocol (col. 8, lines 45-49: "to avoid additional signaling overhead," 61-63; col. 9, lines 58-61; col. 4, lines 15-18, lines

47-50; col. 5, lines 3-5). Accordingly, it would not have been obvious to modify Raith to resemble the present claim 6.

It is also noted that claim 20, which depends from claim 6, is likewise patentable over Raith at least due to its dependency.

In addition, claim 20 states, ". . . said transmitting occurring in said form of a short message."

Claim 6, as amended, depends from claim 4, and is deemed patentable at least due to its dependency.

In addition, claim 6 as amended, recites, ". . . the telephone charge information is in the form of a short message."

For at least all of the above reasons, Raith fails to anticipate the present invention as recited in claim 6.

In addition, claim 20, whose language is quoted above, depends from claim 6.

For at least all of the above reasons, claim 20 distinguishes patentably over Raith.

Claim 20 does not appear to be under rejection, and the Office Action has perhaps overlooked claim 20.

In any event, it is clear that claim 20 is patentable for at least the above

reasons.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 7-17 and 19 stand rejected under 35 U.S.C. 103(a) as unpatentable over Raith in view of U.S. Patent No. 6,347,224 to Smyth et al. ("Smyth").

Claim 9, as amended, recites, ". . . calculating, by the charging center, the telephone charge . . . the telephone charge calculated in said calculating . . . is a telephone charge for a single telephone call."

As set forth above with regard to claim 4, Raith fails to disclose or suggest this aspect of claim 9. Smyth cannot make up for the shortcomings of Raith.

New claim 21 finds support in the specification (e.g., page 4, lines 6 and 7).

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Amendment
Serial No. 09/651,771


Docket No. 5000-1-135

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicants' attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

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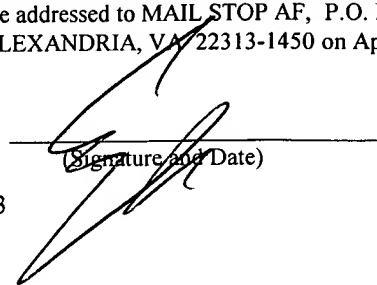
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